

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 21, 22, and 31-46 are pending in the application, with claims 21, 37, and 45 being the independent claims. Claims 1-20 and 23-30 are sought to be cancelled without prejudice to or disclaimer of the subject matter therein. New claims 31-46 are sought to be added. Support for the amendments to the claims can be found, for example, at paragraphs [0022], [0033], [0034], and [0044] of the as filed specification. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections and that they be withdrawn.

Rejections under 35 U.S.C. § 103

Claims 1, 2, 5-9, 11, 12, 15, 16, 18-23, and 26-29

Claims 1, 2, 5-9, 11, 12, 15, 16, 18-23, and 26-29 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,456,334 to Duhault (“Duhault”) in view of U.S. Patent No. 7,281,220 to Rashkovskiy (“Rashkovskiy”). Without acquiescing to the propriety of the rejection, claims 1, 2, 5-9, 11, 12, 15, 16, 18-20, 23 and 26-29 have been cancelled by the above amendment, thereby rendering the rejection of those claims moot. With respect to claims 21 and 22, Applicants respectfully traverse.

Independent claim 21, as amended herein, recites:

in response to receiving the request, retrieving a stored listing of the user's favorite channels for the particular time of day, wherein the stored listing is retrieved from among a plurality of stored channel listings that each correspond to a different particular time of day...

On page 7 of the present Office Action, the Examiner explicitly agrees that Duhault does not teach elements of claim 21 noted above. Rashkovskiy does not cure the deficiencies of Duhault.

Rashkovskiy describes a streaming video programming guide that purportedly facilitates viewing of streaming videos that satisfy a user's search criteria. (Rashkovskiy, col. 2, lines 4-15.) Specifically, Rashkovskiy describes and illustrates in figure 1 a series of streaming video files that are responsive to the search terms "current news," "sports," and "Celine Dion." (*Id.*) Even assuming, *arguendo*, that the search terms of Rashkovskiy are equivalent to a listing of channels, the search terms of Rashkovskiy are not retrieved from a *stored* listing of channels, let alone a stored listing of channels for a particular time of day. Rather, Rashkovskiy discloses that the search terms come directly from user input:

[T]he user may select video files for viewing in a variety of different categories. The user may also input keywords that are utilized by a search engine to assemble the graphical user interface 22.

(Rashkovskiy, col. 2, lines 4-7.)

Thus, Rashkovskiy does not teach or suggest "retrieving a stored listing of the user's favorite channels for the particular time of day" as recited in claim 21. Even further, because Rashkovskiy does not teach or suggest retrieving a stored listing of channels for a particular time of day, Rashkovskiy further cannot logically teach or suggest "wherein the stored listing is retrieved *from among a plurality of stored channel*

listings that each correspond to a different particular time of day” as recited in claim 21. (Emphasis added.)

For at least the reasons provided above, the combination of Duhault and Rashkovskiy cannot render claims 18 and 21 obvious. Dependent claims 19, 20, 22 and 23 are similarly not rendered obvious by the combination of Duhault and Rashkovskiy for the same reason as claims 18 and 21, from which they depend, and further in view of their own respective features. Accordingly, Applicants respectfully request that the rejection of claims 18-23 under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

Claims 10, 13, 14, and 17

Claims 10, 13, 14, and 17 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Duhault in view of Rashkovskiy and further in view of the background of the instant application. Without acquiescing to the propriety of the rejection, claims 10, 13, 14, and 17 have been cancelled by the above amendment, thereby rendering the rejection of those claims moot.

Claims 4 and 30

Claims 4 and 30 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Duhault in view of Rashkovskiy and further in view of U.S. Patent No. 7,174,512 to Martin et al. (“Martin”). Without acquiescing to the propriety of the rejection, claims 4 and 30 have been cancelled by the above amendment, thereby rendering the rejection of those claims moot.

Claims 24 and 25

Claims 24 and 25 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Rashkovskiy in view of Martin. Without acquiescing to the propriety

of the rejection, claims 24 and 25 have been cancelled by the above amendment, thereby rendering the rejection of those claims moot.

New Claims

Applicants respectfully seek entry of new claims 31-44.

Claims 31-36 depend from claim 21 and are therefore patentable for at least the same reasons as claim 21 and further in view of their own respective features. Accordingly, Applicants respectfully request the entry and allowance of claims 31-36.

Independent claim 37 recites similar distinguishing features as claim 21 and is therefore patentable for at least the same reasons as claim 21. Claims 38-44 depend from claim 37 and are therefore patentable for at least the same reasons as claim 37 and further in view of their own respective features. Accordingly, Applicants respectfully request the entry and allowance of claims 37-44.

Independent claim 45 recites similar distinguishing features as claim 21 and is therefore patentable for at least the same reasons as claim 21. Claim 46 depends from claim 45 and is therefore patentable for at least the same reasons as claim 37 and further in view of its own respective features. Accordingly, Applicants respectfully request the entry and allowance of claims 45 and 46.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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